

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

KEVIN YASHTINSKY, on behalf of
himself, and all others similarly situated,

CLASS ACTION COMPLAINT

Plaintiff,

Case No. 5:19-CV-05105-TLB

vs.

WALMART, INC.,

Defendant.

NOTICE OF FILING SUPPLEMENTAL AUTHORITY

The Plaintiff, Kevin Yashtinsky, on behalf of himself and all others similarly situated, respectfully gives notice of filing the attached opinion issued on September 30, 2019, by the United States District Court of New Jersey in *Rivero vs. D'Jais, LLC* which is attached hereto as **Exhibit A** and which is directly relevant to Defendant's Automated Telephone Dialer System ("ATDS") arguments advanced in its pending Motion to Dismiss before this Court [Dkt. 23]

In addition, Defendant's Reply Brief in Support of its Motion to Dismiss [Dkt. 33] advances, for the first time, a new argument that the Plaintiff lacks Article III standing because the two unsolicited messages from Defendant to Plaintiff's cell phone do not constitute a "concrete harm that meets the injury-in fact-requirement of Article III." In lieu of requesting authority to file a sur-reply to address this new standing argument, Plaintiff gives notice of filing the opinion of the Eighth Circuit Court of Appeals in *Golan vs. FreeEats.com, Inc.*, 930 F.3d 950 (8th Cir. July 16, 2019) which is attached hereto as **Exhibit B** and which Plaintiff submits directly addresses this argument.

Respectfully submitted this 15th day of October, 2019.

/s/ James A. Streett

James Albert Streett
Streett Law Firm P.A.
107 West Main
Russellville, AR 72811
Telephone: (479) 968-2030
Facsimile: (479) 968-6253
Email: james@streettlaw.com

Joe P. Leniski, Jr. (TN Bar No. 22891)
BRANSTETTER, STRANCH &
JENNINGS, PLLC
223 Rosa L. Parks Ave., Suite 200
Nashville, TN 37203
(615) 254-8801
joeyl@bsjfirm.com

Alexis M. Wood (*Admitted Pro
Hac Vice*)
alexis@consumersadvocates.com
LAW OFFICES OF RONALD A. MARRON
651 Arroyo Drive
San Diego, CA 92103
Tel: (619) 696-9006
Fax: (619) 564-6665

Attorneys for Plaintiff and the Proposed Class